

HALAKHA

It is prohibited to partake of the produce or its replacements – אָסוּר בְּחִילופֵיהֶן – With regard to one who says: This produce is forbidden to me, or: It is *konam* to my mouth, or any similar expression, he is prohibited from partaking not only of the produce itself but of its replacements and growth as well, and all the more so of its juice. He is likewise prohibited from partaking of the growths of its growth, if their seeds do not perish, but he is permitted to partake of the replacements of its replacements (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 5:13; *Shulhan Arukh, Yoreh De'a* 216:1).

For that reason I will not eat it, or for that reason I will not taste it – שְׂאֵנִי אוֹכֵל וְשָׂאֵנִי טוֹעֵם: For one who said: This produce is *konam* for me, and for that reason I will not eat it, or for that reason I will not taste it, if it was an item whose seeds cease, it is permitted for him to partake of food for which it is exchanged and of its growths. If its seeds do not cease, even the growths of its growths are forbidden. Liquids that emerge from the produce are forbidden due to uncertainty with regard to their status (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 5:14; *Shulhan Arukh, Yoreh De'a* 216:2).

For one who says to his wife: Your handicraft is *konam* upon me – הָאֹמֵר לְאִשְׁתּוֹ קוֹנָם מַעֲשֵׂה יָדָי עָלַי: With regard to one who says to his wife: Your handicraft is *konam* upon me or it is *konam* upon my mouth, or a similar formulation, items for which they are exchanged and their growths are forbidden. If he said: Your handicraft is *konam* for me only in the sense that I will not eat from it or that I will not taste from it, if it is an item whose seeds cease, it is permitted for him to partake of items for which it is exchanged and their growths. If its seeds do not cease, even the growths of their growths are forbidden (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 5:15; *Shulhan Arukh, Yoreh De'a* 216:3).

מתני' קוֹנָם פִּירוֹת הָאֵלוּ עָלַי, "קוֹנָם הֵן עָלַי", "קוֹנָם הֵן לְפִי" – אָסוּר בְּחִילופֵיהֶן וּבְגִדוּלֵיהֶן. "שְׂאֵנִי אוֹכֵל" וְ"שְׂאֵנִי טוֹעֵם" – מוֹתֵר בְּחִילופֵיהֶן וּבְגִדוּלֵיהֶן בְּדָבָר שְׂזָרְעוּ כְּלָה, אֲבָל דְּבָר שְׂאֵין זָרְעוּ כְּלָה – אֲפִילוּ גִדּוּלֵי גִדּוּלֵין אֲסוּרִין.

הָאֹמֵר לְאִשְׁתּוֹ "קוֹנָם מַעֲשֵׂה יָדָי עָלַי", "קוֹנָם הֵן עָלַי", "קוֹנָם הֵן לְפִי" – אָסוּר בְּחִילופֵיהֶן וּבְגִדוּלֵיהֶן. "שְׂאֵנִי אוֹכֵל", "שְׂאֵנִי טוֹעֵם" – מוֹתֵר בְּחִילופֵיהֶן וּבְגִדוּלֵיהֶן בְּדָבָר שְׂזָרְעוּ כְּלָה, אֲבָל דְּבָר שְׂאֵין זָרְעוּ כְּלָה – אֲפִילוּ גִדּוּלֵי גִדּוּלֵין אֲסוּרִין.

MISHNA For one who says: This produce is *konam* upon me, or it is *konam* upon my mouth,^N or it is *konam* to my mouth, it is prohibited to partake of the produce, or of its replacements,^{HN} or of anything that grows from it. If he says: This produce is *konam* for me, and for that reason I will not eat it,^N or for that reason I will not taste it,^H it is permitted for him to partake of its replacements or of anything that grows from it. This applies only with regard to an item whose seeds cease after it is sown.^N However, with regard to an item whose seeds do not cease after it is sown,^N e.g., bulbs, which flower and enter into a foliage period and repeat the process, it is prohibited for him to partake even of the growths of its growths,^N as the original, prohibited item remains intact.

For one who says to his wife: Your handicraft is *konam* upon me,^{HN} or it is *konam* upon my mouth, or it is *konam* to my mouth, it is prohibited to benefit from her handicraft, and from their replacements and anything that grows from them. However, if he said to his wife: Your handicraft is *konam* for me only in the sense that I will not eat^N from your handicraft, or that I will not taste from your handicraft, it is permitted for him to benefit from their replacements and anything that grows from them. This applies only with regard to an item whose seeds cease after it is sown. However, with regard to an item whose seeds do not cease after it is sown, it is prohibited for him to benefit even from the growths of their growths.

NOTES

עָלַי, קוֹנָם הֵן עָלַי – Upon me, or it is *konam* upon my mouth, etc. – נִיבּוּרֵי: In the *Tiferet Yisrael* it is explained that in each succeeding formulation: *Konam* upon me, *konam* upon my mouth, *konam* to my mouth, there is an additional novel element. In all of them, he renders it forbidden to eat and derive benefit from the produce and from items exchanged for the produce. This is true not only in the case where he says that the produce is *konam* upon me; even if he says *konam* upon my mouth, he renders it forbidden to eat and derive benefit. The same is true even with regard to the phrase *konam* to my mouth, although it appears to refer only to eating. The Ritva explains that to my mouth means to myself and renders any kind of benefit forbidden.

It is prohibited to partake of the produce or of its replacements – אָסוּר בְּחִילופֵיהֶן – There are various explanations why the items for which they were exchanged and their growths are also forbidden to him. *Tosafot* and the Rosh explain that the main reason is that he stated *konam* without specifying what he is rendering forbidden. Therefore, all forms of benefit are forbidden. The Meiri, adopting the approach of *Tosafot*, explains that it is the phrase: Upon me, that renders benefit forbidden. The Rosh writes that according to this opinion the novel element is that even though he vowed that certain produce was forbidden to him, since he said this produce, their growths are forbidden as well. Obviously, had he vowed without specification, all produce would be forbidden, both those before him and those not before him at the time. Others explain that benefit is forbidden because when he said this produce, he rendered benefit from them forbidden. Therefore, all benefit is forbidden, including benefit from items exchanged for the

produce or its growth (Rashba; Ran; Meiri). According to the Ritva, the expression: *Konam* upon me, by definition means that benefit is forbidden.

This produce is *konam* for me, and for that reason I will not eat it – שְׂאֵנִי אוֹכֵל: Although this prohibition appears to be more specific and therefore more strict, since he mentioned eating or tasting, only that specific produce is forbidden, as produce for which it is exchanged and its growths do not have flavor identical to that of the original produce (Ran). Rabbi Natan bar Yosef explains that this applies only to one who said: This produce; however, if he failed to say: This, all produce of that species is forbidden.

With regard to an item whose seeds cease after it is sown, etc. – בְּדָבָר שְׂזָרְעוּ כְּלָה וְכוּ: Some commentaries maintain that this *halakha* is referring to both the first clause and the latter clause. In other words, the *halakha* that their growths but not the growths of their growths are forbidden applies only to an item whose seeds cease; however, for an item whose seeds do not cease, even the growths of their growths are forbidden. Others claim that it refers only to the latter clause: The growths of the produce are permitted for an item whose seeds cease; however, for an item whose seeds do not cease, its growths are forbidden. With regard to the first clause there is no need to state this *halakha*, as it is clear that in that case, the growths of growth are also forbidden (Ran; Rabbi Avraham min HaHar).

Whose seeds do not cease after it is sown – שְׂאֵין זָרְעוּ כְּלָה: The simplest explanation is that this refers to plants with bulbs that remain intact as the plant grows, e.g., onions and garlic. Some commentaries, however, maintain that the reference is

to plants that develop new bulbs in addition to the preexisting ones, e.g., shallots.

Even of the growths of its growths – אֲפִילוּ גִדּוּלֵי גִדּוּלֵין: In the Jerusalem Talmud, it is stated that this prohibition lasts up to only three harvests, growths of growths of growths. Beginning with the fourth harvest, the growths are permitted.

Your handicraft is *konam* upon me – קוֹנָם מַעֲשֵׂה יָדָי עָלַי: It is unclear why this vow should take effect; as its object lacks substance since her handicraft has not yet come into existence, therefore it cannot be forbidden by a vow. Consequently, some commentaries maintain that the formulation must be emended into an effective vow, which will take effect if one says: Your hands are *konam* for their craft. The vow takes effect, as her hands exist (Ran). Rabbi Natan bar Yosef, however, claims that the formula is effective as it appears in the Gemara, as even though it does not take effect by Torah law, it takes effect by rabbinic law. The Ran, citing Rabbeinu Yona and the Ritva, adds that the prohibition does not always apply to the entire product of her handicraft, e.g., if she baked bread for him using his flour, the value of the entire loaf is not forbidden; only the value added by means of her handicraft is forbidden.

Your handicraft is *konam* for me only in the sense that I will not eat, etc. – שְׂאֵנִי אוֹכֵל וְכוּ: The Ran, consistent with his overall approach with regard to these *halakhot*, states that the novel element in this passage, relative to the earlier cases, is that although he rendered a particular item, i.e., her handicraft, and not an entire category, forbidden, the addition of the words: That I will not eat, indicates that his intent was not to prohibit benefit but was limited to the objects themselves.

From that which you prepare I will not eat until Passover – שְׂאֵת עוֹשֶׂה אֵינִי אוֹכֵל עַד הַפֶּסַח – If a husband said to his wife: From that which you prepare I will not eat until Passover, anything that she prepares is forbidden to him until Passover, but afterward it is permitted. However, if he said: From that which you prepare until Passover I will not eat, anything that she prepares until Passover is forbidden to him forever (*Shulhan Arukh, Yoreh De'a 220:21*).

Benefit from me until Passover – שְׂאֵת נִהְיֵית לִי עַד הַפֶּסַח: One who said to his wife: That you benefit from me until Passover if you go to your father's house until the festival of *Sukkot* is *konam* for me, and she went there before Passover, benefit from him is forbidden for her until Passover. If she went there after Passover after having derived benefit from him before Passover, she violates the prohibition: He shall not profane his word. The Rambam maintains that the man is flogged, as he uttered the vow, while the Ran and others hold that his wife is flogged (*Rambam Sefer Hafla'a, Hilkhot Nedarim 10:12; Shulhan Arukh, Yoreh De'a 220:22*).

”שְׂאֵת עוֹשֶׂה אֵינִי אוֹכֵל עַד הַפֶּסַח”, ”שְׂאֵת עוֹשֶׂה אֵינִי מִתְכַּסֶּה עַד הַפֶּסַח”, עֲשֵׂתָה לְפָנַי הַפֶּסַח – מוֹתֵר לְאָכֹל וּלְהִתְכַּסֵּת אַחֵר הַפֶּסַח. ”שְׂאֵת עוֹשֶׂה עַד הַפֶּסַח אֵינִי אוֹכֵל” ו”שְׂאֵת עוֹשֶׂה עַד הַפֶּסַח אֵינִי מִתְכַּסֶּה”, עֲשֵׂתָה לְפָנַי הַפֶּסַח – אָסוּר לְאָכֹל וּלְהִתְכַּסֵּת אַחֵר הַפֶּסַח. ”שְׂאֵת נִהְיֵית לִי עַד הַפֶּסַח אִם הוֹלַכְתָּ אֶת לְבֵית אָבִיךָ עַד הַחֵג”, הִלְכָה לְפָנַי הַפֶּסַח – אָסוּרָה בְּהִנָּאֲתוֹ עַד הַפֶּסַח.

If the husband said: From that which you prepare, I will not eat until Passover,^{NH} or, with that which you prepare, I will not cover myself until Passover, then, if she prepared it before Passover, it is permitted for him to eat or to cover himself with them after Passover. If, however, he said: From that which you prepare until Passover, I will not eat, or from that which you prepare until Passover, I will not cover myself, then, if she prepared it before Passover, it is prohibited for him to eat or cover himself with it after Passover. If he said to her: Benefit from me until Passover^H if you go to your father's house from now until the festival of *Sukkot* is forbidden for you, and she went to his house before Passover, it is prohibited for her to derive benefit from him until Passover.

NOTES

From that which you prepare I will not eat until Passover – שְׂאֵת עוֹשֶׂה אֵינִי אוֹכֵל עַד הַפֶּסַח: It says in the Rambam's Commentary on the Mishna that although it is obvious that the vow takes effect, the novel element is the inference from his statement

that his intent is that the prohibition extends only until Passover, rather than that his intent was that anything she prepares before Passover is forbidden to him forever (Ran).

Perek VII
Daf 57 Amud b

לְאַחַר הַפֶּסַח – בְּבֵל יִחַל. ”שְׂאֵת נִהְיֵית לִי עַד הַחֵג אִם הוֹלַכְתָּ אֶת לְבֵית אָבִיךָ עַד הַפֶּסַח”, הִלְכָה לְפָנַי הַפֶּסַח – אָסוּרָה בְּהִנָּאֲתוֹ עַד הַחֵג, וּמוֹתֵר לְיִלְךְ אַחֵר הַפֶּסַח.

If she derived benefit from him before Passover and went to visit her father after Passover, she is liable for violating the prohibition of: He shall not profane^N his word (Numbers 30:3), as the condition was fulfilled and she violated the vow retroactively. If the husband vowed: Benefit from me is *konam* for you until the Festival^H if you go to your father's house from now until Passover, then if she went to his house before Passover, it is prohibited for her to derive benefit from him until the Festival, and it is permitted for her to go^N to her father's house after Passover, as that time period is not included in his stipulation.

NOTES

After Passover she is liable for violating the prohibition of: He shall not profane – לְאַחַר הַפֶּסַח בְּבֵל יִחַל: The Rambam rules that in any case, it is prohibited for her to go to her father's house after Passover *ab initio*, as through his vow he prohibited her from doing so until the festival of *Sukkot*. Although she does not receive lashes for doing so in a case where she derived no benefit from him, she may not treat his vow with contempt. The Ra'avad disagrees and maintains that if she derived no benefit before Passover, it is not at all prohibited for her to visit her father's house after Passover. Rabbi Yitzhak Tzarfati cites proof for the Rambam's opinion from the fact

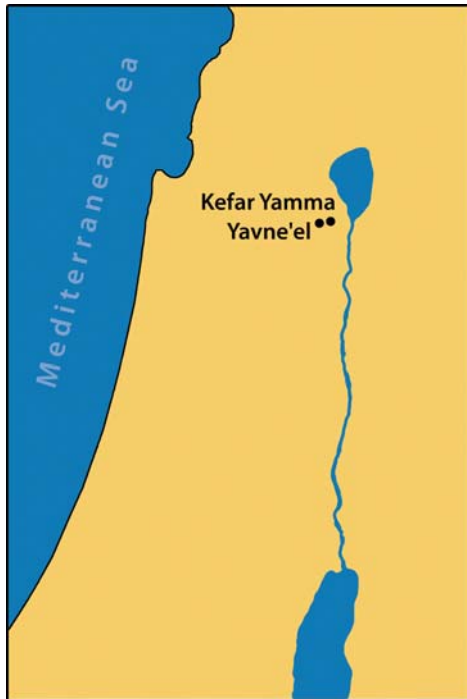
that the mishna does not state: It is permitted for her to go after Passover, indicating that although she does not receive lashes, it is prohibited for her to do so (*Shita Mekubbetzet*).

And it is permitted for her to go – וּמוֹתֵר לְיִלְךְ: The Ran writes earlier in the tractate (15b) that the novel element in this statement is that even if she went before Passover, thereby rendering benefit from her husband forbidden to her, it is permitted for her to visit her father after Passover. *Tosafot* there claim that there is nothing novel in this statement, and it is stated only to contrast it with the previous *halakha* (see *Tosefot Yom Tov*).

Benefit from me is *konam* for you until the Festival – שְׂאֵת נִהְיֵית לִי עַד הַחֵג וכו': If one says to his wife: Benefit from me is *konam* for you until the Festival if you go to your father's house before Passover, and she went and visited her father before Passover, it is prohibited for her to derive benefit from him until the Festival. If she does so he is liable by Torah law to receive lashes. After Passover, though, it is permitted for her to visit her father's house (*Rambam Sefer Hafla'a, Hilkhot Nedarim 10:13; Shulhan Arukh, Yoreh De'a 220:23*).

BACKGROUND

Kefar Yamma – כפר ימא: Kefar Yamma is a village near Tiberias on the south side of the Sea of Galilee, adjacent to the modern Yavne'el.



Location of Kefar Yamma

HALAKHA

An onion that one uprooted during the Sabbatical Year – בפצל שנקרו בשביעית: If an onion was uprooted in the seventh year and replanted in the eighth year, and its subsequent growths exceeded those of the original plant, the entire plant is permitted because the permitted growth neutralizes the prohibition of Sabbatical-Year produce after the date of removal, as per the opinion of Rabbi Yitzhak Nappaḥa. The Ra'avad holds that the conclusion of the Jerusalem Talmud is that this halakha applies only to an onion whose leaves are bent (see 58a). However, the Kesef Mishne and the Radbaz contend that this was stated in the Jerusalem Talmud as a refutation, not as a ruling (Rambam Sefer Zera'im, Hilkhot Shemitta VeYovel 4:21).

גמ' האומר לאשתו "קונם מעשה ידיך עלי", "קונם הן על פי", "קונם הן לפי" וכו'. ושמעאל איש כפר ימא, ואמרי לה איש כפר דימא, העלה בידו: בצל שנקרו בשביעית ונטעו בשמינת, ורבו גידוליו על עיקרו. והכי קא מיבעיא ליה: גידוליו היתר ועיקרו אסור, בין דרבו גידוליו מעיקרו – אותן גידולי היתר מעלין את האיסור, או לא? אתא לקמיה דרבי אמי – לא הוה בידיה.

GEMARA We learned in the mishna: For one who says to his wife: Your handicraft is konam upon me, or it is konam upon my mouth, or it is konam to my mouth, it is prohibited to benefit from her handicraft. Yishmael, a man of Kefar Yamma,^B and some say, a man of Kefar Dima, raised a dilemma with regard to an onion^N that one uprooted during the Sabbatical Year,^{HN} which was therefore sanctified with the sanctity of the Sabbatical Year, and he then planted it during the eighth year, and its growths that developed in the eighth year exceeded its principal^N original Sabbatical-Year onion. And this is the dilemma that he raised: Its eighth-year growth is permitted, and its Sabbatical-Year principal is prohibited. Since its growth exceeded its principal, do those permitted growths neutralize^N the prohibition of the onion, or do they not? Yishmael came and raised the dilemma before Rabbi Ami, and he did not have an answer readily available.

NOTES

העלה בידו בצל – Raised a dilemma with regard to an onion – Most commentaries explain that this phrase simply means that he raised a dilemma before the Sages. The Ran cites proof for this interpretation from the Aramaic translation of Isaiah 6:6. Rabbi Avraham min HaHar explains that he brought an actual onion of that kind in his hand, to raise a dilemma with regard to its status.

That one uprooted [she'akaro] during the Sabbatical Year – שנקרו בשביעית: The case is where the onion began to grow during the Sabbatical Year. One uprooted it during that year and failed to remove it from his possession when the period of removal arrived. He then replanted it during the eighth year. Rashi, perhaps, bases his comment on a variant reading. Instead of: That one uprooted [she'akaro], it means: That the onion's primary part [she'ikaro] grew during the Sabbatical Year. Rashi explains that most of the plant grew during the Sabbatical Year, but it remained in the ground into the eighth year.

And its growths exceeded its principal – ורבו גידוליו על עיקרו: The meaning here, as in the other cases cited previously, is that its growths were sufficient to neutralize the prohibition with a majority of, depending on the case, sixty times the prohibition for most prohibited items, one hundred times the prohibition for teruma, or two hundred times the prohibition for orla (see Ran).

Do those permitted growths neutralize, etc. – גידולי היתר – מעלין וכו': There are numerous explanations of this dilemma, which relate to several fundamental halakhic issues with regard to the neutralization of prohibitions. There is a dispute between the early commentaries with regard to the part of the plant that grew during the eighth year, as some authorities maintain that the dilemma relates not only to the neutralization of the prohibition by the permitted growth, but it also concerns whether or not the growths themselves are permitted. According to those who say that the growths neutralize the prohibition, clearly the growths are permitted. According to those who rule that the growths do not neutralize the prohibition, some hold that the growths themselves are forbidden, as they grew from the forbidden onion (Ran; Rid). Rabbi Eliezer of Metz, cited in Tosafot, asks: Why not say here that the growths are caused by both this, the forbidden onion, and that, the permitted ground, and the accepted halakha is that in a case where there are both permitted and forbidden causes, the result is permitted. He answers that the Sage in the Gemara who raised

the dilemma holds that in a case where there are permitted and forbidden causes the result is forbidden. Others explain that the ground is not considered a cause in this regard, as it is not of the species of the prohibited plant (Rabbeinu Meir in Tosafot). Most commentaries, however, contend that everyone agrees that growths that grew in the eighth year are permitted, as the Sages issued a decree to prohibit only the growths of teruma, not the growths of any other forbidden growths. The dilemma is whether or not the growths neutralize the prohibition of the original onion (Tosafot; Rashba; Rosh; Rabbi Avraham min HaHar).

Some explain that the dilemma is whether the majority neutralizes the prohibition, or whether the original onion is significant and therefore not subject to neutralization (Tosafot; Rashba). The Ran maintains that the dilemma is whether the status of the growths is that of a different object and therefore they can neutralize the prohibition, or whether because they grew from the original forbidden plant, they are considered part of the original plant and therefore cannot neutralize the prohibition. Others explain that one might have thought that just as the primary part of the plant does not neutralize the prohibition of the growths, because it is significant as it continues to grow, by the same token, the growths should not neutralize the prohibition of the plant. Alternatively, the plant is not neutralized because it remains intact and is never completely intermingled with the growth (Rosh). The Rid explains that one might say that the prohibition of the original plant is neutralized by the ground, and therefore it is all permitted even if the forbidden part is more than one-sixtieth of the entire plant; or perhaps, since the growth receives sustenance from the original part of the plant, the entire plant is forbidden.

Additional problems were raised in this context. Among them, why not say that since the growths increase incrementally, perhaps as it grows, each increment is negated by the original plant, and therefore, the original plant and growths should remain forbidden? The answer is that the principle: Each and every increment is neutralized as it enters the mixture, does not apply to items that naturally grow all the time. Furthermore, the growths are considered discrete entities that are separate from the original plant and therefore their prohibition cannot be neutralized by the original plant (Rabbi Eliezer of Metz). The Keren Ora asks why the growth should not be forbidden like the original plant, as it grew from the original plant. He answers that the growth is considered a new entity, as its growth results primarily from the ground and the air.

Terita'a – תְּרִיתָא: The name of this Sage appears in many different forms in manuscripts and other sources. Therefore, it is difficult to ascertain the meaning of this appellation. According to the version here, and especially according to the variant reading *Torta'a*, the name is apparently connected to the Aramaic *tor*, meaning bull, and it implies that the Sage in question was an animal merchant. According to the version *Terita'a* written with the letter *tet*, from the Greek *τρι*, *τρεις* [*tri, treis*], meaning three, perhaps it means the third. Yet another version, *Kartina'a*, refers to the place where he lived, Carthage.

BACKGROUND

Grafted – סִיבְכָה: Grafting, a procedure employed for improving the quality of fruit or creating different varieties of fruit, can be performed in a variety of ways. One of the standard methods involves inserting the branch of one tree into the branch of another. Another method involves attaching branches from two trees whose bark was peeled. Typically, the branch is severed from the first tree and grafted onto the second. However, it may also be accomplished by grafting a branch still attached to the original tree, and that branch is severed from the original tree only after the branch has grown and become part of the second tree. The Talmud's use of the term that usually means entangled [*sibkha*], rather than the term meaning grafted [*hirkiv*], indicates that the reference is to the latter type of grafting, with the two entangled trees growing together.



Branch from a young olive tree grafted onto an old olive tree

אֵתָא לְקַמֵּיהּ דְּרַבִּי יִצְחָק נִפְחָא – פְּשֵׁט לֵיהּ מִן הֵדָא דְאָמַר רַבִּי חֲמִינָא תְּרִיתָא אָמַר רַבִּי יְנָאִי: בְּצֵל שֶׁל תְּרוּמָה שְׁנַטְעוּ, וְרַבּוּ גִידוּלָיו עַל עֵיקְרוֹ – מוֹתֵר. אָמַר לֵיהּ רַבִּי יִרְמְיָהּ, וְאִיתִימָא רַבִּי זְרִיקָא: שְׂבִיק מָר תְּרִין וְעֵבִיד בְּחֹדֵד!?

Yishmael came and raised the dilemma before Rabbi Yitzhak Nappaha, who resolved it for him from that which Rabbi Hanina Terita'a¹ said that Rabbi Yannai said: With regard to an onion of *teruma*² that one planted, if its growths exceeded its principal, it is permitted.³ Here too, the eighth-year growth should neutralize the prohibition of the Sabbatical-Year onion. Rabbi Yirmeya said, and some say it was Rabbi Zerika who said to Rabbi Yitzhak Nappaha: Did the Master abandon the opinion of two Sages and conduct himself in accordance with the opinion of one Sage?

מֵאֵן גִּיְהוּ תְּרִין – דְאָמַר רַבִּי אַבְהוּ אָמַר רַבִּי יוֹחָנָן: יִלְדָּה שְׂסִיבְכָה בְּקִינָה וּבָה פִירוֹת, אֶךְ עַל פִּי שְׂהוּסִיפָה מֵאֵתִים – אָסוּר.

The Gemara asks: Who are they, the two Sages who disagree with his opinion? The Gemara answers: It is as Rabbi Abbahu said that Rabbi Yohanan said: With regard to a young vine within three years of its planting, whose fruits are *orla* and forbidden, that one grafted⁴ onto an old, permitted vine,⁵ and there were fruits on the younger vine, even though the younger vine added two hundred times the number of fruits that were there when it was grafted, and those additional fruits are permitted because they draw their nourishment from the older vine, the fruit that was on the younger vine before it was grafted is forbidden. Although, in principle, when the permitted part of the mixture is two hundred times the forbidden *orla*, the prohibition is neutralized, in this case, the prohibition is not neutralized, as the forbidden fruit was there from the outset.

HALAKHA

An onion of *teruma* – בְּצֵל שֶׁל תְּרוּמָה וְכוּ': If an onion of *teruma* was planted and its growths exceeded those of the original plant, by Torah law its status is no longer that of *teruma*; rather, its status is that of untithed produce. The Sages, however, decreed that, like *teruma*, it is forbidden to non-priests. The commentaries on the Rambam state that the reference is to growths of growth, or to items whose seeds cease, not onions (see Mahari Kurkus; Radbaz; Rambam *Sefer Zera'im, Hilkhot Terumat* 11:21–22 and *Kesef Mishne* there).

A young vine that that one grafted onto an old, permitted vine – יִלְדָּה שְׂסִיבְכָה בְּקִינָה: If the branch of a sapling within three years of planting, whose fruit is *orla*, was grafted onto an older tree, and the fruit of the younger plant grew, even if that branch subsequently grew fruit in an amount more than two hundred times the original *orla*, the fruit that grew on the younger vine before it was grafted remains forbidden, as the permitted growth does not neutralize the prohibition of the original fruit (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 10:16; *Shulhan Arukh, Yoreh De'a* 294:22).

NOTES

An onion of *teruma* that one planted, if its growths exceeded its principal it is permitted – בְּצֵל שֶׁל תְּרוּמָה שְׁנַטְעוּ – רַבּוּ גִידוּלָיו עַל עֵיקְרוֹ מוֹתֵר: The growths are permitted in terms of the prohibition of *teruma*, as it does not have the status of *teruma*. However, eating it in its current state is forbidden, as its legal status remains that of untithed produce.

A young vine that one grafted onto an old, permitted vine – יִלְדָּה שְׂסִיבְכָה בְּקִינָה: Most commentaries explain that he cut a branch from the young vine and grafted it onto the old one.

The Rashba contends that the fruits that grew prior to the grafting are forbidden only because the branch already bore fruit. Otherwise, the prohibition would be entirely neutralized and any fruit that grew would be permitted. According to the Rid, we are dealing with intertwining, a temporary form of grafting intended to accelerate the ripening of the fruit of the young branch. However, standard grafting, whose purpose is to restore an aging tree, would render the entire tree or vine forbidden as *orla*.

HALAKHA

בְּצֵל שֶׁנִּטְעוּ בְּכַרְם – An onion that one planted in a vineyard – An onion that was planted in a vineyard is forbidden as a forbidden mixture of food crops in a vineyard. Even if the vineyard was later uprooted, and the onions that sprouted from the original plant were two hundred times those of the original plant, the original onion remains forbidden, as the permitted growth does not neutralize the prohibition (Rambam *Sefer Zera'im, Hilkhot Kilayim* 5:24; *Shulhan Arukh, Yoreh De'a* 296:18).

A *litra* of onions that one tithed – לִיטְרָא בְּצֵלִים שֶׁתִּיקְנָה: If *terumot* and tithes were properly separated from a *litra* of onions, and one sowed the entire *litra* and they sprouted, he must tithe the original onions along with the additional growths, as the growths neutralize the prohibition of the original onions (Rambam *Sefer Zera'im, Hilkhot Ma'asrot* 6:4 and *Kesef Mishne* there).

LANGUAGE

Litra – לִיטְרָא: From the Greek λίτρα, *litra*, which has several meanings, among them measures of volume or weight, as well as the name of a coin. The volume of a *litra* is less than 100 cc, which would constitute a very small quantity of onions. The weight of a *litra* is 327 grams. Consequently, a *litra* of silver is worth a large sum.

וְאָמַר רַבִּי שְׁמוּאֵל בֶּר רַבִּי נַחֲמָנִי אָמַר רַבִּי יוֹנָתָן: בְּצֵל שֶׁנִּטְעוּ בְּכַרְם, וְנִעְקַר הַכַּרְם – אָסוּר.

הֵדָר אֵתָא לְקַמְיָה דְרַבִּי אַמִּי, וּפְשִׁיט לֵיהּ מִן הַדָּא דְאָמַר רַבִּי יִצְחָק אָמַר רַבִּי יוֹחָנָן: לִיטְרָא בְּצֵלִים שֶׁתִּיקְנָה וּזְרָעָה – מִתְעַשְׂרֶת לְפִי כּוּלָּהּ. אֵלְמָא: אוּתָן גִּידוּלֵין מִבְּטְלִין עֵיקַר.

דְלִמָּא לְחוּמְרָא שְׂאִינִי!

אֵלָּא מִן הַדָּא: דְתַנַּיָא, רַבִּי שִׁמְעוֹן אוֹמֵר.

And Rabbi Shmuel bar Rabbi Nahmani said that Rabbi Yonatan said: With regard to an onion that one planted in a vineyard,^H creating a forbidden mixture of food crops in a vineyard, and then the vineyard was uprooted, and most of the onion grew in a permitted manner, it is forbidden. Apparently, both Rabbi Yoḥanan and Rabbi Yonatan disagree with the opinion of Rabbi Yannai, and therefore, there is no clear resolution to the dilemma.

Yishmael then came and raised the dilemma before Rabbi Ami, who resolved it for him from that which Rabbi Yitzḥak said that Rabbi Yoḥanan said: With regard to a *litra*^I of onions that one tithed,^H and then he sowed a field with the entire *litra* of onions, when the field yields the crop, it is tithed according to the entire crop. Although some of the onions that he sowed were already tithed, he is obligated to tithe them because the volume of the growths exceeds the volume of the original onions and the entire crop has untithed status. Apparently, those growths neutralize the prohibition of the primary, original, tithed onions.

The Gemara rejects that resolution: There is no proof from the ruling in the case of the *litra* of onions, as perhaps it is different when the ruling is a stringency.^N Perhaps, due to the concern that the growths neutralize the prohibition of the original, the ruling is that he must tithe the entire crop. However, there is no proof that the same would be true in cases where the ruling is a leniency, e.g., to neutralize the prohibition of the Sabbatical Year or *teruma*.

Rather, proof may be cited from this source; as it is taught in a *baraita* that Rabbi Shimon says:

NOTES

Perhaps it is different when the ruling is a stringency – לְחוּמְרָא שְׂאִינִי: The early commentaries ask: Doesn't this stringency lead to various pitfalls? Based on the principle that if one tithes from produce that one is obligated to tithe for produce that one is not obligated to tithe, the produce that he tithed remains untithed produce, then, if the prohibition of the main part of the plant is not neutralized and remains forbidden, some of the tithe that one tithes from other produce for this entire plant will be tithed unnecessarily, and it will remain untithed produce. Moreover, if he tithes from the original plant for the growths, he would be tithing from produce that one is not obligated to tithe for produce that one is obligated to tithe and that is not considered tithed at all. Most early commentaries, however, maintain that he may not tithe that mixture from itself; rather, he tithes for that produce from other produce.

With regard to the first concern, the Rosh writes that he can tithe this *litra* from produce that one is obligated to tithe by rabbinic law, relying on the principle that by Torah law, a simple majority is sufficient to neutralize a prohibition. The Rashba claims that there is no concern that the tithe will be rendered untithed produce, as the very obligation to tithe onions is by rabbinic law. Rabbi Eliezer of Metz also maintains that he does not tithe the *litra* from its own produce; rather, he does so from other produce. He adds that the tithe will indeed be untithed produce, as fundamentally, not all of it is actual tithe. The Ran explains otherwise. He contends that even the growths are actually non-sacred produce, as they grew from non-sacred produce. Therefore, he can tithe from the *litra* itself, as there is no mixture here between produce that one is obligated to tithe and produce that one is not obligated to tithe.